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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KENNETH COLE and BRIGITTE )  
L. BROWN, )  
 )  
Plaintiffs, )  
 ) Civil Action No.  
v. ) 05-270 (KAJ)  
 )  
DELAWARE TECHNICAL AND ) CONTAINS  
COMMUNITY COLLEGE, ) CONFIDENTIAL  
 ) INFORMATION  
Defendant. )

Deposition of DR. ANN DEL NEGRO taken pursuant to notice at the law offices of Margolis Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware, beginning at 10:10 a.m. on Monday January 30, 2006, before Kathleen White Palmer, Registered Merit Reporter and Notary Public.

APPEARANCES:

LORI A. BREWINGTON, ESQUIRE  
MARGOLIS EDELSTEIN  
1509 Gilpin Avenue  
Wilmington, Delaware 19899  
for the Plaintiffs

JAMES H. McMACKIN, III, ESQUIRE  
MORRIS, JAMES, HITCHENS & WILLIAMS  
222 Delaware Avenue - Tenth Floor  
Wilmington, Delaware 19899  
for the Defendant

ALSO PRESENT: KATHERINE E. GEPPERT, Paralegal  
Margolis Edelstein

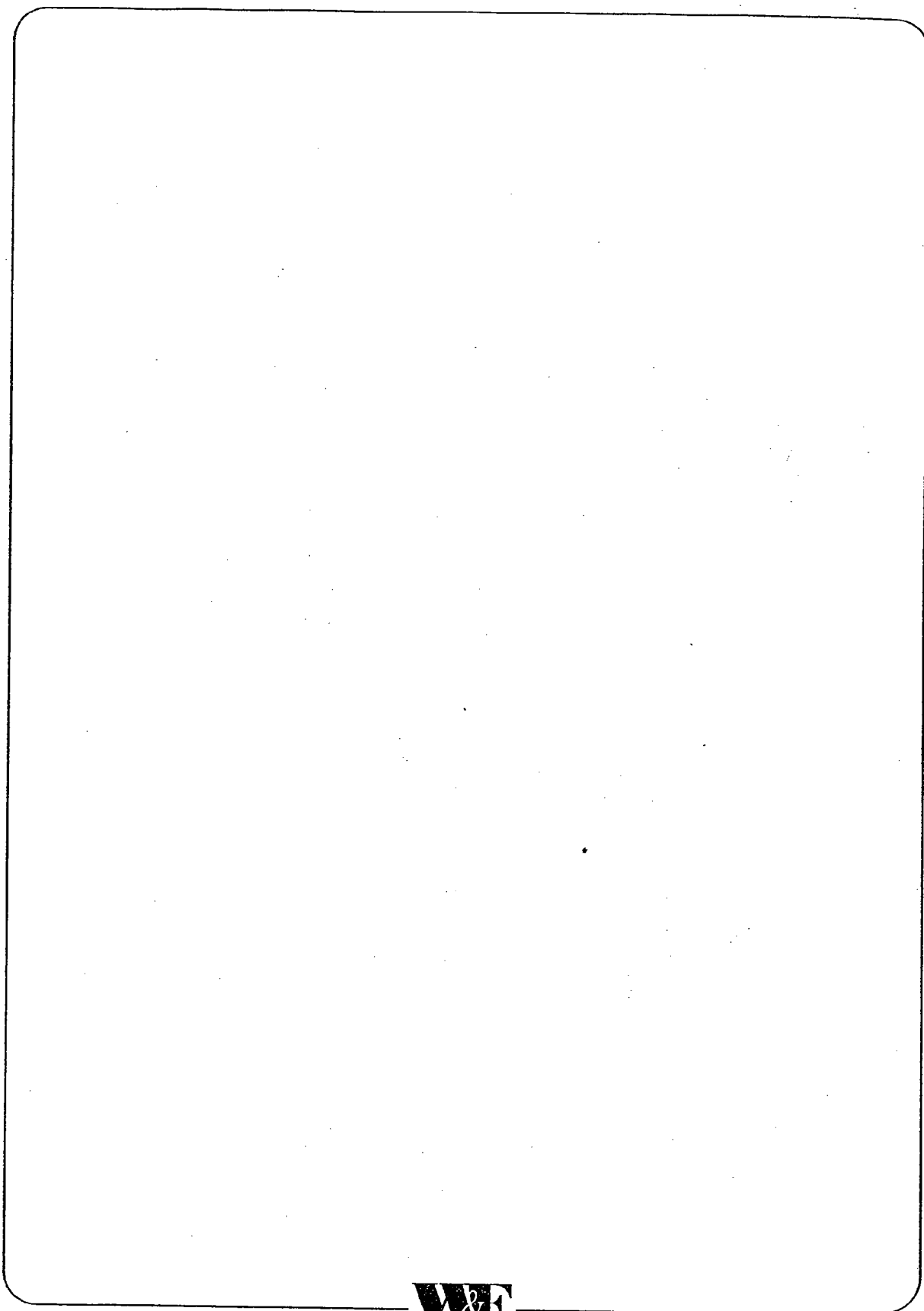
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1 ALSO PRESENT:

2  
3 KENNETH COLE  
4 BRIGITTE L. BROWN (Via telephone)

5 DR. ANN DEL NEGRO,

6 the witness herein, having first been  
7 duly sworn on oath, was examined and  
8 testified as follows:

9 BY MS. BREWINGTON:

10 Q. Good morning. My name is Lori Brewington and I  
11 have the privilege of taking your deposition this morning  
12 in connection with discrimination charges filed against  
13 DelTech by Brigitte Brown and Ken Cole.

14 Have you ever testified in a deposition  
15 before?

16 A. No.

17 Q. I will ask you a series of questions. My intent  
18 is to ask them one at a time. If you could respond to  
19 the questions with a yes or a no, make sure that your  
20 answers are clear. No un-huhs and no mm-hmms. They are  
21 not very clear. We have a court reporter here that will  
22 be taking down everything that we are saying today.

23 If at any time you don't understand the  
24 question, just let me know and I will try to explain it



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1 for you. If you do answer the question, then I'll assume  
2 that we both understood the question and answer.

3 A. Okay.

4 Q. If at any time you would like to take a break or  
5 you need to use the phone, just let me know. The only  
6 thing I ask is that you do not discuss your deposition  
7 testimony with defense counsel here.

8 A. Okay.

9 MR. McMACKIN: I just want to state for the  
10 record that during breaks we can talk about the subject  
11 matter of the deposition, but to the extent that we do  
12 and we are asked about it by Ms. Brewington, we would be  
13 waiving the privilege at that time. But we don't intend  
14 to do so.

15 BY MS. BREWINGTON:

16 Q. Please begin by stating your name and  
17 professional title.

18 A. Ann Del Negro, doctor of education.

19 Q. Did you say director of education or doctor?

20 A. Doctor.

21 Q. Doctor of education?

22 A. Yes.

23 Q. How long have you been doctor of education?

24 A. Officially? Yesterday.



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1 Q. Oh, congratulations.

2 A. Thank you.

3 Q. What was your title before you became doctor of  
4 education?

5 A. Well, maybe -- maybe I'm answering without -- my  
6 official title is I'm the director of corporate and  
7 community programs.

8 Q. Okay.

9 A. I thought you were asking my level of education.

10 Q. I'll ask you about that, too, but I was just --

11 A. Director of corporate and community programs for  
12 Delaware Technical and Community College at the Owens  
13 Campus.

14 Q. How long have you been --

15 A. Since August of 2003.

16 Q. What was your title prior to director of  
17 corporate and community programs at the Owens Campus?

18 A. Prior to that, it was assistant director of  
19 corporate and community programs for the Stanton  
20 Wilmington Campus.

21 Q. What is your educational background?

22 A. Doctor of education.

23 MR. McMACKIN: I think she wants: Where  
24 did you go to college?



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1 THE WITNESS: Oh.

2 MR. McMACKIN: Et cetera.

3 A. From undergraduate on?

4 BY MS. BREWINGTON:

5 Q. Undergraduate on, please.

6 A. Associate degree, Delaware Technical and  
7 Community College. Bachelor degree, Goldey Beacom  
8 College. One master degree in public administration from  
9 Wilmington College. One master degree in Wilmington  
10 College in HR management. And a doctor of education from  
11 Wilmington College.

12 Q. When did you begin working at DelTech?

13 A. February of 2000. It may have been March 1st.  
14 March 1st was my official start date.

15 Q. Okay.

16 A. I was hired in February.

17 Q. You were hired as an assistant director?

18 A. No.

19 Q. What were you hired as?

20 A. I was hired as the department chair for youth  
21 programs it was called at that time.

22 Q. Then what did you become after that?

23 A. Assistant director for corporate and community  
24 programs.



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1 Q. As assistant director of corporate and community  
2 programs, who did you report to?

3 A. I reported directly to Susan Zawislak,  
4 Dr. Zawislak.

5 Q. Who reported directly to you?

6 A. The names of all the individuals?

7 Q. Yes.

8 A. At the time? You have to bear with me because  
9 this is several years ago.

10 Q. Sure.

11 A. For the Upward Bound Classic program it was  
12 Eugene Barns. For Upward Bound Math and Science program,  
13 REDACTED . At the time I came on board, the other  
14 youth program was Educational Talent Search and there was  
15 no program manager at that point, so I had to assume  
16 those responsibilities as the position was vacant.

17 In terms of timing, I can't speak directly,  
18 but I inherited -- I started to, you know, assume more  
19 responsibility of youth programs as different shifts took  
20 place. Charles Madden was the program manager for --  
21 program manager for the To The Max program initially, but  
22 he soon left and Peter Lonie became program manager.

23 Also, there was Dionna Harris, who was the  
24 program manager at the time for camps. I believe that's



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1 all. But without having an organizational chart before  
2 me, I can't recall any others at this point.

3 Q. How about Paul Morris, did he report to you?

4 A. At the time I was hired, Paul Morris was a  
5 student enrichment coordinator for Educational Talent  
6 Search.

7 So again, in the absence of a program  
8 manager, both he -- Urahn Roberts was the other student  
9 enrichment coordinator, and Bridget Staab was the  
10 secretary.

11 Q. At any time when you were assistant director of  
12 corporate and community programs, did he -- "he" meaning  
13 Paul Morris -- become program manager of Talent Search?

14 A. Yes.

15 Q. Do you recall when that was?

16 A. No.

17 Q. What did you do in preparation for your  
18 deposition testimony this morning?

19 A. Looked over some documents that were provided  
20 to, I believe, you. Looked over records that were  
21 provided, I believe, by -- yeah, by you. It would have  
22 had to come from you.

23 Q. That were provided by me.

24 Did you review the complaint?



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1 A. Would that be the interrogatory?

2 Q. No, but you may have reviewed the  
3 interrogatories, but -- did you review that document?

4 MR. McMACKIN: Let the record reflect that  
5 Ms. Brewington just showed to the witness Kenneth Cole's  
6 complaint.

7 A. I do not believe that I have seen this. I  
8 specifically remember the interrogatory, but I don't  
9 specifically remember this.

10 Q. Okay.

11 A. Especially when I see jurisdiction and factual  
12 background. I don't recall.

13 Q. Did you talk with anyone in preparation for your  
14 deposition testimony today?

15 A. I talked with, yes, Dr. Zawislak.

16 And if I could clarify, if you mean in  
17 preparation for today, in preparation for the whole --  
18 after we received the interrogatory is when we first  
19 talked. And, of course, the attorney when we went to the  
20 meeting at Delaware Tech.

21 MR. McMACKIN: I'm going to instruct the  
22 witness not to comment on the subject or the topics or  
23 what was said.

24 MS. BREWINGTON: I understand.



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1 THE WITNESS: Okay.

2 BY MR. BREWINGTON:

3 Q. When received the interrogatories, was that the  
4 last time you spoke with Dr. Zawislak concerning this  
5 matter?

6 A. No.

7 Q. Did you speak with her after that?

8 A. To go over certain documents, as far as memory  
9 recollection.

10 Q. When is the most recent time you spoke with  
11 Dr. Zawislak?

12 A. Friday evening, whatever Friday, this past  
13 Friday's date was.

14 Q. Did you talk with Dr. Zawislak concerning her  
15 deposition testimony?

16 A. Concerning, again, memory, if I recalled certain  
17 events.

18 Q. Have you spoken with Paul Morris?

19 A. Yes.

20 Q. When did you talk with Paul Morris?

21 A. I spoke with Paul Morris this morning.

22 Q. Did you talk with Paul Morris concerning his  
23 deposition testimony?

24 A. No.



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1 Q. What did you speak with Paul Morris about?

2 A. I asked him a question about educational  
3 attainment.

4 Q. Educational --

5 A. Attainment.

6 Q. Attainment.

7 Did you speak with Paul Morris about  
8 Brigitte Brown or Ken Cole in this matter?

9 A. Ken Cole.

10 Q. What did you discuss?

11 A. I asked Paul if he was aware whether Ken had an  
12 associate's or a bachelor's, because on all of the PDFs  
13 that were in the documents that were supplied by you, it  
14 says his educational attainment was associate.

15 Q. Did you discuss anything else?

16 A. No.

17 Q. That was this morning?

18 A. Yes.

19 Q. Did Paul Morris give you any information?

20 A. His answer was it probably was moot because Ken  
21 was a part-time employee and reference checks are not  
22 typically done for part-time employment, but they are for  
23 full-time employment.

24 Q. Why did you ask him about Ken Cole's status?



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1 A. Because in reviewing the documents that you  
2 supplied, there was reference that he was denied  
3 opportunity to apply for a position that I knew required  
4 a bachelor degree. So it was for my own information.

5 Q. What position were you concerned with or were  
6 speaking about?

7 A. None specifically, but I believe there's  
8 reference somewhere in there that he was denied  
9 opportunity to apply for other vacancies. Which ones  
10 they are, I don't know.

11 Q. Have you told me everything that you and Paul  
12 Morris discussed?

13 A. The only other thing I asked Paul is whether he  
14 could tell me whether or not in 2003 the Upward Bound  
15 Math and Science budget was overspent.

16 Q. I'd like to ask you about the 2001 proposed  
17 move. I know it was awhile ago.

18 A. Yes, it was.

19 Q. My first question is: Was there, in fact, a  
20 proposal to move the Upward Bound Math and Science  
21 program in 2001?

22 A. In 2001 there was a proposal to move multiple  
23 people.

24 Q. Well, tell me about who was proposed to move.



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1 A. That I can't recall exactly. There were  
2 multiple people involved.

3 Q. Do you recall whether Upward Bound Classic was  
4 going to move into the office space occupied by Upward  
5 Bound Math and Science?

6 A. I'm not sure exactly who was proposed to move  
7 into which location.

8 Q. Do you recall anything about that proposed move?

9 A. Specifics? No. As I said, it was 2001.

10 Q. Do you recall anything generally about that  
11 proposal?

12 A. That I believe additional hires came on board, a  
13 new student enrichment coordinator, and a secretary  
14 somewhere around that time. Again, I don't have  
15 specifics.

16 Q. Whose idea was this move in 2001?

17 A. As far as whose direct idea, I can't recall. I  
18 can only tell you from an operational perspective, we  
19 were always asked to keep in mind spacing because spacing  
20 is an issue on the campus.

21 Q. Was the reason for the move because of spacing?

22 MR. McMACKIN: Objection. Foundation.  
23 Proposed.

24 MS. BREWINGTON: I'm sorry. Let me



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1 clarify.

2 BY MS. BREWINGTON:

3 Q. Was the reason for the proposed move in 2001 for  
4 spacing?

5 A. Spacing in terms of the overall, overarching  
6 goal was to try to group the programs together.  
7 Personnel from the same program and area of personnel  
8 from the same program.

9 Q. Did you meet with Ken Cole and Brigitte Brown  
10 and other members of the Upward Bound Math and Science  
11 concerning this proposed move?

12 A. I don't have any specific recollection of that,  
13 nor do I have any notes in reference to that. So, no, I  
14 don't recall.

15 Q. Do you recall whether the proposed move in  
16 February 2001 ever took place?

17 A. I believe some moves took place, but I don't  
18 recall which moves took place. You know, on a scale of  
19 everything that we do in running the division, I don't  
20 recall.

21 Q. Do you recall whether Brigitte Brown and Ken  
22 Cole moved their offices during that proposed move?

23 A. I don't believe so, because the final move that  
24 took place in 2002, I believe they were moved from the



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1 location that they were occupying in 2001. I don't  
2 recall, but from the best of my recollection, when they  
3 moved in 2002, it was from where they were located at the  
4 time I was hired.

5 Q. I understand.

6 You mentioned that some people changed  
7 offices at that time in 2001; is that correct?

8 A. I believe so.

9 Q. Was Tonia Conley relocated to be next to Kate  
10 Sullivan at that time?

11 A. I believe she was.

12 MR. McMACKIN: Objection. Are you talking  
13 about -- I'm not following because you are talking  
14 about --

15 MS. BREWINGTON: I'm only talking about the  
16 proposed move.

17 MR. McMACKIN: So was she proposed to move  
18 next to Kate Sullivan? Is that your question?

19 MS. BREWINGTON: No. My question was: Did  
20 she, in fact, move as a result of that?

21 BY MS. BREWINGTON:

22 Q. You mentioned that people had moved, but you  
23 didn't believe that Upward Bound Math and Science had  
24 moved or Ken Cole and Brigitte Brown.



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1 A. I don't recall.

2 Q. Okay.

3 A. Perhaps that's the better answer rather than I  
4 believe so. I don't recall. If you could show me, you  
5 know, the end results of the moves, but --

6 Q. But you do recall Tonia Conley being relocated  
7 next to Kate Sullivan; is that correct?

8 A. I said I believe, but perhaps the better answer  
9 was I don't recall. Again, if you could show me a chart,  
10 it would help.

11 Q. Tonia Conley was student enrichment coordinator  
12 for Upward Bound Classic?

13 MR. McMACKIN: Objection to form.

14 THE WITNESS: Does that mean I respond?

15 MR. McMACKIN: Yes.

16 A. Yes.

17 BY MS. BREWINGTON:

18 Q. Kate Sullivan was the program manager for Upward  
19 Bound Classic?

20 A. Is that the same lines as he just objected to?

21 Q. Is that correct?

22 A. Is that correct? Yes, that's correct.

23 Q. Were you aware of any issues or problems between  
24 Kate Sullivan and Tonia Conley?



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1 A. There were problems -- could you clarify what  
2 that means?

3 Q. Problems meaning any issues, disagreements, work  
4 performance issues, personnel issues.

5 A. Am I at liberty to talk about --

6 MR. McMACKIN: Let me jump in here for a  
7 minute. I'm sorry. I'm going to instruct you to answer  
8 the question, but before you do so, may I put on the  
9 record that there is a confidentiality stipulation in  
10 place between each of the plaintiffs and Delaware  
11 Technical and Community College entered into on or about  
12 January 16, 2006.

13 Pursuant to that confidentiality  
14 stipulation, the college requests that some of the  
15 testimony and/or questions recorded at this deposition be  
16 placed under seal. We are going to respectfully ask the  
17 court reporter to mark periodically throughout the  
18 deposition certain testimonies being under seal. If the  
19 court reporter could just make a notation on the record  
20 each time such request is made, this way we'll have a  
21 place holder and we'll know when we need to redact and  
22 place things under seal.

23 The college reserves its right hereafter to  
24 review the transcript and mark anything under seal that



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1 is encompassed by the confidentiality stipulation.

2 You can answer the question to the extent  
3 you know the answer.

4 MR. McMACKIN: Can we go off the record for  
5 just a second?

6 (Discussion off the record.)

7 [CONFIDENTIAL ON]

8 BY MS. BREWINGTON:

9 Q. I was asking you about whether you were aware of  
10 any issues, problems, disagreements, grievances, formal  
11 and informal, performance issues between Kate Sullivan  
12 and Tonia Conley.

13 A. Okay. I wouldn't classify them as performance  
14 issues. I would say that there were challenges between  
15 the program manager and the student enrichment  
16 coordinator insofar as work standards. I believe they  
17 had different philosophies and there was a lot of  
18 coaching that took place with both employees in those  
19 areas to try to promote collaborative work environment.  
20 And it was challenging because their standards were quite  
21 different.

22 Q. Tell me about Tonia Conley's standards versus  
23 Kate Sullivan's standards.

24 A. Okay. I would say Kate Sullivan was very



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1 accountability. She believed in high standards, high  
2 accountability. Expected, had high expectations,  
3 expected a lot of herself and expected a lot of her  
4 staff. And would get concerned when work plans were not  
5 being followed as discussed and agreed upon.

6 Q. What about Tonya Conley's philosophy?

7 A. Tonia took a more indirect approach. She  
8 operated a lot more flexible that in terms of when the  
9 job got done, there were practices that were -- that she  
10 followed that were not always acceptable as far, again,  
11 going back to high work standards.

12 I know a couple of instances that kept  
13 resurfacing are that she would have certain school dates  
14 on her calendar and the program manager would receive  
15 calls from the school saying that Tonia never showed up.

16 And when we went back to try to figure out  
17 what went wrong, why was there a disconnect between what  
18 we had planned to do and what we actually did, Tonia  
19 would -- Tonia's response would be, well, I had  
20 preplanned the calendars and I had thought at the time I  
21 prepared the calendars that I would be at that school.

22 And that to give you an example of the  
23 difference between the standards, when Kate would have a  
24 calendar, she would expect that calendar to be the plan



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1 that you were going to work off for the week, not an at  
2 the time I prepared it I thought I was going to go there,  
3 not necessarily that I was really going to go there.

4 So that is an example that I specifically  
5 remember that there was a back and forth between, you  
6 know, how do we solve this challenge between the two  
7 different work styles.

8 Q. Now, you mentioned coaching. Did you do the  
9 coaching?

10 A. Yes.

11 Q. Did you coach both?

12 A. Yes.

13 Q. Was Tonia Conley ever written up formally or  
14 informally reprimanded?

15 MR. McMACKIN: We ask this be confidential  
16 still.

17 A. By me?

18 Q. By anyone that you know of.

19 A. I don't recall.

20 MS. BREWINGTON: We can go off of  
21 confidentiality now.

22 [CONFIDENTIAL OFF.]

23 BY MS. BREWINGTON:

24 Q. But whose decision was it to move the Upward



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1 Bound Math and Science program in August of 2002?

2 A. The decision was the campus director's decision.  
3 Only he can decide who moves and who doesn't move.

4 Q. Did anyone make recommendations to the campus  
5 director concerning this move?

6 A. Yes.

7 Q. Who made recommendations?

8 A. The recommendation would have to come from the  
9 division director.

10 Q. Who at that time was...

11 A. Dr. Zawislak.

12 Q. Did anyone make any recommendation to  
13 Dr. Zawislak, or did she make this recommendation to  
14 Mr. Miller on her own?

15 A. No. It was a collaborative process. There was  
16 discussion.

17 Q. Who was involved in the discussion?

18 A. Paul Morris, myself.

19 MR. McMACKIN: I object on foundation to  
20 that question because this question and the previous  
21 question presume that the move occurred in August 2002  
22 and I was just looking at the complaint and it occurred  
23 in September 2002.

24 MS. BREWINGTON: Right. That's fine.



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1 BY MS. BREWINGTON:

2 Q. But the discussions to move started in August of  
3 2002. That's also in the complaint?

4 MR. McMACKIN: I'm sorry. I thought you  
5 said that the move occurred in August.

6 MS. BREWINGTON: No.

7 MR. McMACKIN: I apologize.

8 MS. BREWINGTON: The decision to move, at  
9 least our understanding of the decision was made around  
10 that time because that's when Upward Bound Math and  
11 Science were notified of that.

12 BY MS. BREWINGTON:

13 Q. If I told you that I took Paul Morris'  
14 deposition on Friday and he testified that it was his  
15 recommendation to move the Upward Bound Math and Science  
16 program to room 408, would you disagree with that?

17 A. That it was his recommendation? No.

18 MR. McMACKIN: Objection. Speculation.

19 Q. You wouldn't disagree with that?

20 A. Would I disagree with that? I don't recall.  
21 Paul was never in a position to make recommendations.

22 Q. You mentioned that it was a collaborative  
23 discussion; is that correct?

24 A. Yeah, regarding space.



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1 Q. Who was involved in the collaborative  
2 discussion?

3 A. It would have been Paul and myself.

4 Q. Anyone else?

5 A. Well, then after looking, thinking things  
6 through, talking with Dr. Zawislak.

7 Q. What was the reason for this move?

8 A. Space became available.

9 Q. Is that the only reason for this move, that  
10 space became available?

11 A. Yes.

12 Q. What space are we talking about when you say  
13 "space became available"?

14 A. I believe the numbers -- room 408.

15 Q. Who was in that room previously?

16 A. It had been occupied by -- they changed names.  
17 I believe it was at the time called S.O.A.R. It was  
18 either called To the Max or S.O.A.R.

19 Q. So the reason for the move was because space  
20 became available; is that correct?

21 A. Correct.

22 Q. The reason why Upward Bound Math and Science was  
23 moved to that room as opposed to any of the other trio  
24 programs was because of what?



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1 A. Because they were the only program that had four  
2 people.

3 Q. How many people did Talent Search have?

4 A. At the time Talent Search was already in an area  
5 where all of the personnel were together, so that move  
6 had taken place -- I don't recall exactly when, but that  
7 was another program that was scattered. They were down  
8 on the first floor of the east building and separated and  
9 they moved up to the fourth floor. I don't know the room  
10 number. But they were then all together, the support  
11 staff and the program manager.

12 Q. How many people did Talent Search have?

13 A. Four.

14 Q. So both Talent Search and Upward Bound Math and  
15 Science had four members; is that correct?

16 A. That's correct. Correct.

17 Q. Upward Bound Math and Science was chose to move  
18 into 408; is that correct?

19 A. That is correct. But did you understand what I  
20 said preceding that?

21 Q. I certainly did.

22 How many members did Upward Bound Classic  
23 have?

24 MR. McMACKIN: Objection. Vague.



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1 Q. Do you understand the question?

2 A. I believe you need to explain it.

3 Q. How many members did Upward Bound Classic have  
4 at the time of the proposed move in August 2002?

5 A. My answer is I don't recall because I know there  
6 was a shift in -- I know one student enrichment  
7 coordinator had resigned and I don't recall whether  
8 Andrea Coleman was there at the time. I don't recall.

9 Q. Can you give me a range, like an approximate?

10 A. Five, six, maybe.

11 Q. Would this include the program manager and the  
12 student enrichment coordinators?

13 A. And the secretaries.

14 Q. And the secretaries.

15 Could you tell me what your understanding  
16 of the proposed move was in terms of who was to move  
17 where?

18 A. In -- could you clarify that a little bit more?  
19 The reason I'm asking is I don't know if there were other  
20 moves that were a part of that plan.

21 Q. I guess what I'm talking about specifically is  
22 the move that Upward Bound Math and Science program was  
23 part of.

24 A. Okay. Then could you ask me that question



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1 again, please?

2 Q. My question is: What's your understanding of  
3 the proposed move in terms of who was going to move  
4 where, if you could provide names to?

5 A. Okay. If I could start with To The Max or  
6 S.O.A.R., I'm not sure what the name of the program was  
7 at that time. I believe one of the positions was  
8 eliminated, which left them with one less employee. So  
9 the idea was, again, to try to cluster all the personnel  
10 of each of the programs together to promote the teamwork  
11 environment.

12 With the downsizing of a program of four to  
13 a program of three, the intent was then to be in a  
14 position to put all Upward Bound Math and Science  
15 employees together in a location that was already set up  
16 for four.

17 Q. Okay.

18 A. Which would be parallel to what Educational  
19 Talent Search had attained. We found space to put them  
20 in an area where all four could be together.

21 Q. So in terms of who was going to move, am I  
22 correct that Upward Bound Math and Science was going to  
23 occupy To The Max or S.O.A.R.'s location, and To The Max  
24 or S.O.A.R. was going to occupy Upward Bound Math and



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1 Science area?

2 MR. McMACKIN: Objection. Foundation.

3 To the extent you know, you can answer.

4 THE WITNESS: Okay.

5 A. I don't recall exactly where To The Max was  
6 going to be located. I do know because there was a  
7 program set up for four -- or an area set up for four,  
8 that it was -- it appeared to us to be the ideal  
9 opportunity to take what we were able to accomplish with  
10 Educational Talent Search for Upward Bound Math and  
11 Science.

12 BY MS. BREWINGTON:

13 Q. You mentioned that the area was set up for four.  
14 "Area" meaning room 408?

15 A. Yes.

16 Q. Okay.

17 A. If that's the number. I don't recall exactly.

18 Q. I'll represent to you that that's the number.

19 A. It was on the east side.

20 Q. Can you provide for me the names of the people  
21 who previously occupied the office space that upward  
22 bound staff eventually moved into?

23 A. For the S.O.A.R. program, Peter Lonie was the  
24 program manager. Crystal Heath was the student



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1 enrichment coordinator. I believe Carolyn Cave was the  
2 other student enrichment coordinator. And I'm not quite  
3 sure who was the secretary then. I believe it may have  
4 been Diana Dyson, but I'm not absolutely positive.

5 Q. What about Cathy Hagan, was she in that room at  
6 that time?

7 A. I don't recall.

8 Q. Who is Cathy Hagan?

9 A. Who is she?

10 Q. Yes. What's her title?

11 A. I --

12 Q. What was her title during this time? I'm sorry.

13 A. During that time?

14 Q. Yes.

15 A. Administrative assistant.

16 Q. Was she an administrative assistant for the  
17 To The Max program?

18 A. I -- in terms of -- I don't recall because I  
19 know she had multiple responsibilities.

20 Q. So do you know whose administrative assistant  
21 she was?

22 A. I can't recall. I know she worked at some point  
23 with Upward Bound Math and Science. I know she had some  
24 work with me. I know she supported somehow To The Max.



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1 Q. You mentioned that Cathy Hagan supported you.  
2 At one point you occupy 408 as a single office; is that  
3 correct?

4 A. Yes.

5 Q. When was that?

6 A. I don't recall the dates.

7 Q. Approximately.

8 A. Probably a three-month period, four-month  
9 period. Might have been -- I don't recall.

10 Q. Cathy Hagan was your secretary?

11 A. Initially.

12 Q. Did she occupy an area next to your office?

13 A. Oh, yes. In 408?

14 Q. Yes.

15 A. Yes. For, again, for how long the duration was,  
16 I don't recall.

17 Q. So you occupied room 408 and she also had an  
18 area in 408; is that correct?

19 A. Again, for how many -- for how long, I don't  
20 know, because she was called to help support other  
21 programs as the needs arose.

22 Q. But I want to get it correct that you occupied  
23 it as did she; is that correct? She supported you as a  
24 secretary?



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1 A. Again, my answer is: Conditionally.

2 Q. I don't think I understand.

3 A. Okay. Could you ask me more specifics? Like  
4 did she support me full time?

5 Q. That's not my question, though.

6 A. Then I don't understand your question.

7 Q. My question is: Did she ever support you?

8 A. Yes.

9 Q. Did she ever occupy that office with you?

10 A. Yes.

11 Q. Thank you.

12 A. You're welcome.

13 Q. You also mentioned Peter Lonie, Crystal Heath,  
14 Carolyn Cave, and Cathy Hagan were in that office.

15 A. I believe I said perhaps Diana Dyson.

16 Q. I'm sorry. Yes, you did. Diana Dyson.

17 So it was Diana Dyson or Cathy Hagan?

18 A. Yes. And you would have to check with HR to get  
19 the specific dates.

20 Q. Now, REDACTED took over, moved into Peter  
21 Lonie's area; is that correct?

22 A. Correct.

23 Q. Was Carolyn Cave there during this time?

24 MR. McMACKIN: Objection. Vague.



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1 Q. Do you understand?

2 A. During which? What time?

3 Q. The time we are talking about here, in or around  
4 August 2002 when there was this proposed move.

5 A. I don't know.

6 Q. As I understand it, your reason for moving  
7 Upward Bound Math and Science was because four people  
8 occupied the room previously; is that correct?

9 A. That's correct.

10 MR. McMACKIN: Objection. I'm just going  
11 to object to the form of the question.

12 MS. BREWINGTON: Okay.

13 BY MS. BREWINGTON:

14 Q. I'm going to ask that again.

15 Your reason for moving Upward Bound Math  
16 and Science into that office space was because four  
17 people occupied that space previously; is that correct?

18 A. Correct.

19 MR. McMACKIN: Objection. Foundation.

20 MS. BREWINGTON: Okay.

21 BY MS. BREWINGTON:

22 Q. Now, Crystal Heath was a student enrichment  
23 coordinator in that office; is that correct?

24 A. She was an enrichment coordinator for that



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1 program.

2 Q. And Carolyn Cave, was she there full time?

3 A. I don't recall what her classification status  
4 was.

5 Q. Do you know whether if she left at any time?

6 A. I don't recall.

7 Q. Cathy Hagan, you mentioned that she was also or  
8 may have been in that office; correct?

9 A. Perhaps.

10 Q. Perhaps.

11 Do you know whether Cathy Hagan had an  
12 office elsewhere in the building?

13 A. I don't recall.

14 Q. You mentioned that she worked with To The Max  
15 and at some point she worked with other programs;  
16 correct?

17 A. Yes.

18 Q. Okay.

19 A. Yes.

20 Q. While she was in that office space, room 408,  
21 did she work with other programs besides To the Max?

22 A. I believe when she was in 408, she worked with  
23 Upward Bound Math and Science in helping them get their  
24 files in order.



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1 Q. So did she work along with Liz Wilson?

2 A. I don't believe Liz was there at the time.

3 Q. Would it be fair to say that when the move  
4 actually took place, that Liz Wilson, Brigitte Brown, and  
5 Ken Cole occupied the space that Crystal Heath occupied  
6 at that time?

7 MR. McMACKIN: Objection. Ambiguous.

8 A. I don't understand the question.

9 Q. Liz Wilson, Brigitte Brown, and Ken Cole moved  
10 their offices; correct? Moved their area?

11 A. Yes.

12 Q. Would it be fair to say that the space occupied  
13 by Crystal Heath later became Liz Wilson, Brigitte Brown,  
14 and Ken Cole's office space?

15 A. Occupied only by Crystal Heath?

16 Q. Yes.

17 A. No. That office was not occupied by a single  
18 person for To the Max or S.O.A.R. or whatever it was  
19 called at the time.

20 Q. Well, REDACTED took over Peter Lonie's  
21 area; is that correct?

22 A. Mm-hmm.

23 Q. Cathy Hagan was not there full time; correct?

24 A. I can't recall.



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1 Q. Carolyn Cave had left. Isn't that also correct?

2 MR. McMACKIN: Objection. Vague.

3 A. These are HR questions. I don't have that kind  
4 of information.

5 Q. But you are certain that four people occupied  
6 that office; correct?

7 A. Yes.

8 Q. The rooms that Upward Bound Math and Science  
9 used originally, in the area that they were originally  
10 in, were they offices or cubicles?

11 A. Could you identify which staff you are referring  
12 to?

13 Q. Upward Bound Math and Science.

14 A. Okay.

15 Q. Ken Cole.

16 A. Okay. Office.

17 Q. Brigitte Brown?

18 A. Office.

19 Q. Office, office.

20 MR. McMACKIN: You are talking about before  
21 the move; right?

22 MS. BREWINGTON: Yes. I said "originally."

23 BY MS. BREWINGTON:

24 Q. So Brigitte Brown and Ken Cole were originally



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1 were in individual offices?

2 A. Yes.

3 Q. Is it fair to say that their original offices  
4 accounted for privacy for students and student enrichment  
5 coordinators?

6 A. Are you asking for my personal opinion?

7 MR. McMACKIN: Objection. That calls for  
8 speculation.

9 Q. I'm asking for your opinion, yes. I'm asking  
10 for whether you thought that those offices accounted for  
11 privacy.

12 You said that they were offices; correct?

13 A. Well, I said they were offices, that is correct.

14 Q. My question is: Did these offices occupied by  
15 Brigitte Brown and Ken Cole individually account for  
16 privacy for students and their student enrichment  
17 coordinators?

18 MR. McMACKIN: Objection. Vague.

19 A. And again, I believe the questioning is asking  
20 for my personal opinion. And if --

21 THE WITNESS: Am I supposed to give my  
22 personal opinion?

23 MR. McMACKIN: You are not qualified as an  
24 expert.



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1 THE WITNESS: I am not.

2 MR. McMACKIN: But if you can answer the  
3 question, if you have knowledge, then you can answer it.  
4 If you don't know, then you don't know. And I'm not  
5 trying to put words in your mouth.

6 A. Then I don't know.

7 BY MS. BREWINGTON:

8 Q. You don't know what?

9 A. I don't know whether you would consider them  
10 privacy or not.

11 Q. Why not?

12 A. There were no -- there was no ceiling. Well,  
13 there was a ceiling, but there were -- how can I say  
14 this? Partitions. There were sort of like partitions  
15 and then the ceiling.

16 So as far as privacy, in my opinion, not  
17 totally. They were not like enclosed offices like this.

18 Q. So is it fair to say that they provided for some  
19 confidentiality but not --

20 A. I don't know.

21 Q. There are no partitions to separate the office  
22 space of the members of Upward Bound Science that they  
23 moved into; correct?

24 A. I have been gone from that campus for over two



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1 years, two and a half years, so I don't know if there's  
2 partitions or not.

3 Q. Were you there when Upward Bound Math and  
4 Science moved into that office space?

5 A. Yes.

6 Q. Were there partitions then?

7 A. No. At the choice of the program manager.

8 Q. Were you aware that Liz Wilson requested  
9 partitions from Paul Morris?

10 A. No, I am not. I'm not sure why she would ask  
11 that of Paul Morris and not the program manager.

12 Q. She had a meeting with Paul Morris.

13 A. Okay.

14 Q. Are you saying that the only reason why there  
15 were no partitions there is because REDACTED didn't  
16 request them for her group?

17 MR. McMACKIN: Objection.  
18 Mischaracterizes.

19 A. I'm not --

20 Q. I'm asking if you're saying that. If you're  
21 not --

22 A. I'm not saying that. I don't know why there's  
23 not -- if there weren't and if there still isn't, I don't  
24 know whether there is or not. I have no --



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1 Q. So why weren't there partitions in that?

2 A. Why weren't there?

3 Q. Yes.

4 A. I don't know. I don't know what the reason is.

5 Q. Wouldn't partitions have helped with providing  
6 privacy for students?

7 MR. McMACKIN: Objection. Calls for  
8 speculation and argumentative.

9 A. I don't know whether they would or not.

10 Q. You don't know whether partitions would provide  
11 privacy?

12 A. I guess that's an opinion -- you know, you are  
13 asking me --

14 Q. You are allowed to give me your personal  
15 knowledge. If you think partitions would help account  
16 for privacy, you can say that. If you don't believe  
17 that, then don't say that.

18 Are you familiar with the EDGAR  
19 regulations?

20 A. That's pretty broad. There are multiple EDGAR  
21 regulations.

22 Q. Okay. Well, if I ask you if you are familiar  
23 with the EDGAR regulations, your answer would be yes or  
24 no.



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1 A. Okay. Yes.

2 Q. Okay. Thank you.

3 Could you tell me what they are?

4 A. The EDGAR regulations are regulations for  
5 federal programs.

6 Q. Do the EDGAR regulations have any stipulations  
7 or rules with respect to construction and grants?

8 A. I don't know.

9 Q. Could you explain to me the setup of the Upward  
10 Bound Classic program around -- and I'm going to give you  
11 a time frame -- around August of 2002 when the proposed  
12 move was to take place, the second proposed move?

13 MR. McMACKIN: Objection as vague.

14 To the extent you can answer, you can  
15 answer.

16 A. When you say "setup," what are you asking me?

17 MR. McMACKIN: The reason why I'm  
18 objecting, just so you know, is the setup, the hierarchy  
19 or the setup, the outlay of the room -- what do you mean  
20 by "setup"? That was the reason for my objection and  
21 that's what causing the witness' confusion, as well.

22 MS. BREWINGTON: Okay. I apologize.

23 BY MS. BREWINGTON:

24 Q. The layout of the room.



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1 A. Layout individual offices -- or individual space  
2 separated by cubicles. I don't recall how many, but....

3 Q. So Upward Bound Classic had individual spaces  
4 separated by cubicles; is that correct?

5 A. That's correct.

6 Q. Tell me about Talent Search and their setup as  
7 far as their layout.

8 A. Similar. I mean, the configuration is different  
9 because -- whereas one is oblong, the other one is  
10 square.

11 Q. But both individual setups for the student  
12 enrichment coordinators along with cubicles; is that  
13 correct?

14 A. That's correct.

15 Q. Then when we have the Upward Bound Math and  
16 Science group, tell me about their setup in their new  
17 office area.

18 A. They were set up without cubicles.

19 Q. Anything else?

20 A. I'm not sure what that question means.

21 Q. What else can you recall about their setup as  
22 far as their layout?

23 A. As far as where the furniture was positioned?

24 Q. As far as anything that you can recall..



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1 A. I don't recall anything other than receiving a  
2 call from administrative services saying that they were  
3 very frustrated that they received no cooperation in  
4 putting the furniture in the room. That's the only thing  
5 I can recall.

6 Q. Who was very frustrated?

7 A. Whoever the movers were that day.

8 Q. They were frustrated because of what?

9 A. They were attempting to put the furniture in the  
10 room and they weren't getting assistance in where to put  
11 which pieces.

12 Q. Who told you this?

13 A. Eddie Cunningham.

14 Q. Let me follow up with that.

15 Were Ken Cole and Brigitte Brown  
16 responsible for arranging the furniture in that room?

17 A. I don't know.

18 Q. Is it fair to say that the Upward Bound Math and  
19 Science new office space provides little to no privacy?

20 MR. McMACKIN: Objection. Argumentative.

21 A. I don't know which -- I'm not sure what your  
22 line of questioning is.

23 Q. Upward Bound Math and Science eventually moved  
24 into room 408; correct?



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1 A. That's correct.

2 Q. We talked about the office space and we  
3 mentioned that Talent Search had cubicles and partitions.  
4 Upward Bound Classic had cubicles and partitions. And  
5 when I asked you about the layout of Upward Bound Math  
6 and Science, you indicated there were no cubicles and no  
7 partitions; is that correct?

8 A. That's correct.

9 Q. So my question to you is: Is it fair to say  
10 that Upward Bound Math and Science, their new offices,  
11 provided little to no privacy?

12 MR. McMACKIN: Objection. Argumentative.

13 A. And I'm not an expert there. I can't answer  
14 that.

15 Q. Based on your personal knowledge, would it be  
16 fair to say that Upward Bound Math and Science's new  
17 office provided little to no privacy?

18 MR. McMACKIN: Objection. Argumentative.

19 THE WITNESS: Do I answer that?

20 Q. Yes. He can object, but you are to answer the  
21 questions unless he instructs you not to answer the  
22 question.

23 A. Okay. I got you.

24 In my personal opinion? The other



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1 coordinators that have similar space have partitions.

2 How much privacy that affords them, I don't know.

3 BY MS. BREWINGTON:

4 Q. So --

5 A. If your question is saying does a partition  
6 equate to privacy? I would have no idea.

7 Q. Well, do you feel that the Upward Bound Math and  
8 Science program, the student enrichment coordinators in  
9 that program have less privacy than the others, than the  
10 other programs because of their partitions?

11 A. I don't feel one way or the other.

12 Q. When students come in to visit these offices and  
13 there are partitions there, can you necessarily see who  
14 comes into each individual office with these partitions?

15 MR. McMACKIN: Objection to foundation.

16 A. I would have no idea.

17 Q. You said you would have no idea; right?

18 A. Mm-hmm.

19 Q. Why would you have no idea?

20 A. Because I'm not a student enrichment  
21 coordinator.

22 Q. You would have no idea because you are not a  
23 student enrichment coordinator?

24 Did you see the office space of the Talent



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1 Search program SECs and the Upward Bound Classic SECs?

2 A. Yes.

3 Q. So based on what you saw, is it fair to say that  
4 when a student comes in and meets with them, that other  
5 student enrichment coordinators wouldn't necessarily see  
6 them in that area?

7 MR. McMACKIN: Objection to foundation.  
8 Objection to form.

9 You can answer to the extent you can.

10 A. I'm not following the line of questioning. Are  
11 you saying that by not being able to see someone, that  
12 means that that's private?

13 Q. We moved away from the privacy and the  
14 confidential communication.

15 Now I'm just simply asking you: If there's  
16 a partition there, isn't it fair to say that when that  
17 student comes into that cubicle and that office, they  
18 would not necessarily be seen by the other student  
19 enrichment coordinators in that area?

20 MR. McMACKIN: Objection to foundation.

21 A. Again, I'm not sure if -- when you walk --

22 Q. I'll move on.

23 A. If the student --

24 Q. I'll move on. I'll move on. You seem to be too



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1 confused. I'll move on.

2 A. I'm not confused. It's the question I've been  
3 asked.

4 Q. Okay. That's fine.

5 Did you meet with Ken Cole and Brigitte  
6 Brown and the other members of Upward Bound Math and  
7 Science program along with Paul Morris in August 2002?

8 A. Yes, I did.

9 Q. What do you remember about that meeting?

10 A. I remember that --

11 Q. First can I stop?

12 What do you remember about that meeting in  
13 terms of what was said by Ken Cole and Brigitte Brown. I  
14 want to be a little more specific with you.

15 A. Okay. There was a written document that one of  
16 the members of Upward Bound Math and Science presented.  
17 I'm not exactly sure who it was. But it pretty much  
18 identified what their reasons were for not wanting to  
19 relocate.

20 Q. What were some of their reasons?

21 A. That it would impact their productivity, for  
22 one, their morale, and their relations.

23 Q. Going back to: What do you recall them saying  
24 at that meeting?



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1 A. That they felt as though those three areas would  
2 be impacted if they were put in a different location than  
3 where they currently were.

4 Q. Did either person say that they felt that they  
5 were being treated unfairly?

6 A. I don't recall if those were the words that were  
7 exactly said. I do recall that there was an attempt to  
8 bring up issues related to personnel in another program,  
9 at which point it was made known that I was not at  
10 liberty or no one in that room was at liberty to discuss  
11 personnel issues related to another program.

12 Q. When you say "personnel," do you mean Tonia  
13 Conley and Kate Sullivan?

14 A. Yes.

15 Q. Did you investigate whether the issues between  
16 Tonia Conley and Kate Sullivan may have had anything to  
17 do with the proposed move?

18 A. I had been working coaching with Tonia and Kate  
19 over time, so it had absolutely nothing to do with the  
20 proposed move.

21 Q. Did either person -- and when I say "person," I  
22 mean Brigitte Brown or Ken Cole -- say that they felt  
23 they were being treated unequally?

24 A. I believe they said that they were -- they felt



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1 impacted by Upward Bound Classic, and by "Upward Bound  
2 Classic," that refers to Kate and Tonia. That they felt  
3 their move was being impacted by, again, personnel in  
4 another program.

5 Q. Did either Ken Cole or Brigitte Brown tell you  
6 that the small space would make it difficult to protect  
7 students' privacy, which was necessary?

8 A. I don't recall, but there is a written statement  
9 that they provided somewhere in that -- somewhere in the  
10 documents.

11 Q. Going back, you mentioned that they expressed to  
12 you concerns about this move having an impact on  
13 productivity and morale and relations; correct?

14 A. That's correct.

15 Q. How did you respond to their concerns about the  
16 impact on productivity?

17 A. I believe I responded that physical location  
18 should not interfere with an employee's ability to be  
19 productive.

20 Q. How did you respond to their concerns about  
21 employee morale?

22 A. Similar. That location should not impact  
23 morale.

24 Q. How did you respond to their concerns about



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1 employee relations?

2 A. Again, that location should not have an impact  
3 on relations.

4 Q. Did you say anything else in that meeting?

5 A. That I was going to recommend to Dr. Zawislak  
6 that the move go forward.

7 Q. Did Paul Morris say anything in that meeting?

8 A. I don't recall.

9 Q. Why did you decide to go forward with the move  
10 or to recommend to go forward with the move despite  
11 Upward Bound Math and Science's concerns?

12 MR. McMACKIN: Objection. Compound.  
13 Objection.

14 A. I decided to go forward with the recommendation  
15 for the program to move because I did not believe there  
16 was anything of substance produced at that meeting as to  
17 why I would recommend otherwise.

18 Q. You eventually met with the Upward Bound Math  
19 and Science group again in September 2002 with  
20 Dr. Zawislak; correct?

21 A. I don't recall the date, but, yes, we did meet.

22 Q. You met with Ken Cole, Brigitte Brown, and Liz  
23 Wilson separately; is that correct?

24 A. Yes.



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1 Q. Why did you meet with them separately rather  
2 than as a group?

3 A. That was a question for Dr. Zawislak, not for  
4 me.

5 Q. Why do you believe that or why do you think that  
6 she --

7 MR. McMACKIN: Objection. Calls for  
8 speculation.

9 A. I don't know.

10 Q. You don't know?

11 A. No.

12 Q. But it was her decision to meet with the group  
13 individually?

14 A. I don't know. It could have come from the  
15 campus director. She also, you know, has supervisors  
16 that she reports to. I don't know.

17 Q. Who did you meet with first?

18 A. I don't recall.

19 Q. I'll represent to you that you met with Brigitte  
20 Brown on September 5th, 2002. Okay?

21 A. Okay.

22 Q. What do you recall Brigitte Brown saying at that  
23 meeting?

24 A. That space -- I can't quote. I know in general



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1 she was very concerned with her losing space. She didn't  
2 feel as though her furniture was going to fit. Just that  
3 space was very important to her.

4 Q. How did you respond?

5 A. Specific? I don't remember, but the move -- I  
6 believe we said the move would go forward. The fact that  
7 space is important as a matter of being productive, it  
8 wasn't a justifiable reason to suggest that the person  
9 stays where they are.

10 Q. You met with Ken Cole the next day; correct?  
11 Let me go back to Brigitte Brown's meeting.

12 Do you recall what Dr. Zawislak said?

13 A. No, I don't.

14 Q. Do you remember anything else about that meeting  
15 with Brigitte Brown?

16 A. Other than she was highly emotional and stood on  
17 her position that her space was important to her.

18 Q. Okay.

19 A. And her equipment, her related equipment.

20 Q. If I could go back, I forgot to touch upon  
21 something.

22 At some point after the meeting that you  
23 had with Paul Morris and the rest of the Upward Bound  
24 Math and Science group, do you recall maintenance men



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1 measuring the offices of Upward Bound Math and Science  
2 group?

3 A. I don't know when that space was measured. I do  
4 know that it was measured and it was measured by, I  
5 believe, first Mr. Cole and then secondly by  
6 administrative services.

7 Q. Were you present when that space was being  
8 measured?

9 A. By who?

10 Q. Excuse me?

11 MR. McMACKIN: Objection. Vague. You said  
12 it was measured by Mr. Cole and it was measured by  
13 administrative services. Are you asking her --

14 Q. Were you present at any time during any  
15 measuring of any offices?

16 A. When administrative services initially measured,  
17 no, but then someone made another call to administrative  
18 services to come up and measure it yet again.

19 Q. Who made that call?

20 A. I don't know. I received a phone call from  
21 administrative services asking me to stop having that  
22 space measured so many times.

23 Q. So you were present when administrative services  
24 came to measure the second time?



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1 A. Correct.

2 Q. Why were you present?

3 A. Because I received a phone call from  
4 administrative services wondering why I was asking for  
5 the space to be measured again.

6 Q. Did they ask --

7 A. Plus I believe this time it included some  
8 furniture, too.

9 Q. Did they ask you to come down?

10 A. No. I voluntarily went around.

11 Q. Okay.

12 A. And explained to whoever it was, and I don't  
13 recall who from administrative services was there at that  
14 time, but I told them it wasn't necessary.

15 Q. It wasn't necessary to measure it again?

16 A. Not again, no. They had already provided the  
17 dimensions of the rooms.

18 Q. Did you begin measuring the office space  
19 yourself?

20 A. Not the space. The desk, I believe it was.

21 Q. So you began measuring the desk. Why did you  
22 measure the desk?

23 A. Because there was a concern that the desk was  
24 not going to fit into 408.



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1 Q. Why didn't you allow administrative services to  
2 measure the desk?

3 A. Again, I received a phone call saying that they  
4 have already been up there and measured the space. They  
5 provided the measurements. Why would they be asked to  
6 come up and do it again?

7 Q. But they were there measuring the office space  
8 when you got there?

9 A. They were there. What they were measuring, I  
10 don't know.

11 Q. Were they measuring at all?

12 A. I don't remember. I know they were there. That  
13 much I can tell you.

14 Q. I'm sorry I had to go back.

15 But moving forward, you met with Brigitte  
16 Brown individually and we discussed that. I asked you  
17 what Dr. Zawislak said and you couldn't recall; correct?

18 A. No.

19 Q. Am I correct in stating that once you finished  
20 meeting with Brigitte Brown, you told her at that time  
21 that the move would still go forward?

22 A. Do I know that for certain?

23 Q. Well, you mentioned it before and I just want to  
24 make sure --



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1 A. I don't know if that was said exactly. I don't  
2 recall.

3 Q. Do you recall whether you felt that the move  
4 would go forward after that meeting?

5 A. My personal opinion?

6 Q. Yes.

7 THE WITNESS: Again, am I permitted to say  
8 my personal opinion?

9 MR. McMACKIN: Yes.

10 A. Based on what was conveyed by Brigitte Brown, I  
11 saw no new information that hadn't already been shared as  
12 far as the need for space and furniture and peripheral  
13 equipment.

14 BY MS. BREWINGTON:

15 Q. So is it fair to say that after this meeting  
16 with Brigitte Brown, you felt that the move should still  
17 go forward?

18 A. I felt so.

19 Q. Do you know whether Dr. Zawislak wanted the move  
20 to go forward at that point?

21 A. I don't know. I don't know.

22 Q. You're not certain as to whether you told  
23 Brigitte Brown that the move would go forward at that  
24 point?



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1 MR. McMACKIN: Objection to form.

2 A. No, I'm not.

3 Q. You met with Ken Cole the next day?

4 A. I don't recall the date.

5 Q. What did he say to you about the move?

6 MR. McMACKIN: Objection to form.

7 A. Specifically? I don't know.

8 Q. Generally, what you can recall.

9 A. I know that he wasn't happy to move. He liked  
10 his office, as well. I do know that there's notes of the  
11 meeting somewhere in the packet that would be helpful,  
12 but I don't -- I don't recall the specifics of the  
13 meeting.

14 Q. Did Ken Cole or Brigitte Brown discuss  
15 alternatives to the move?

16 A. Yes, they did.

17 Q. Did they show you diagrams?

18 A. Yes, they did.

19 Q. Did you review those diagrams at all?

20 A. Yes, we did.

21 Q. When?

22 A. I believe while they were there, and they were  
23 reviewed again at some point. I don't know exactly what  
24 point.



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1 Q. Who were they reviewed by at some point?

2 A. I reviewed them. Dr. Zawislak reviewed them.

3 Q. Did you review them together or separately?

4 A. Separately, but then dialogued about them.

5 Q. So you dialogued about these alternatives?

6 A. Yes.

7 Q. What was your opinion about these alternatives?

8 A. That the initial recommendation was the best  
9 recollection because it clustered a program of four  
10 together as we did with Educational Talent Search, which  
11 was leading us to our -- to succeed in our operational  
12 plan, the goals set forth in that.

13 MS. BREWINGTON: Mark that.

14 MR. McMACKIN: We are going to object to  
15 this document for the same reasons as we objected to what  
16 appears to be the same document during the Paul Morris  
17 and the Ann Zawislak depositions from Friday, the 27th.  
18 But you can mark it.

19 (Del Negro Exhibit 1 was marked for  
20 identification.)

21 BY MS. BREWINGTON:

22 Q. Could you please take an opportunity to review  
23 alternative 1 and alternative 2?

24 A. This is 1?



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1 Q. No. It actually says it on the top. I think  
2 it's the third page.

3 A. (The witness reviews the document.) Can I ask  
4 for clarification?

5 Q. Sure.

6 A. Is that area labeled "computer room" the tutor  
7 room?

8 Q. I believe so.

9 A. And the area to the right that's labeled  
10 "administrative offices," is that administrative  
11 services?

12 Q. Yes, it is.

13 A. Okay. I've looked at it.

14 Q. Take a look at alternative 2 for me.

15 A. (The witness reviews the document.)

16 Q. Does this document look familiar?

17 A. I know that a color-coded plan was submitted.  
18 Whether this was the exact one, I don't recall.

19 Q. But you reviewed a color coded --

20 A. Yes.

21 Q. My question to you is: Why wasn't this  
22 alternative used?

23 A. Because it didn't --

24 MR. McMACKIN: Objection. Vague.



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1 Q. You can answer.

2 A. Okay. Because it didn't accomplish the goal of  
3 clustering an entire program in one location.

4 Q. Is it true that all the student enrichment  
5 coordinators and the secretary would be together?

6 A. For --

7 Q. I'm sorry. All the Upward Bound Math and  
8 Science student enrichment coordinators and the  
9 secretary, Liz Wilson, would be together with adequate  
10 space?

11 A. Under which alternative?

12 Q. Alternative 2.

13 MR. McMACKIN: Objection to the extent that  
14 the question is argumentative.

15 A. Again, it does not cluster the entire program in  
16 an area for themselves.

17 Q. But my question to you was: Would the Upward  
18 Bound Math and Science student enrichment coordinators  
19 and the secretary be together in one area?

20 A. If that's what these four blue blocks represent.

21 Q. We are looking at Upward Bound Math and Science,  
22 which is the yellow.

23 A. Oh, oh. Over here?

24 Q. Yes.



1                   So my question, again, is: Would  
2 alternative 2 allow for the Upward Bound Math and Science  
3 student enrichment coordinators and their secretary to be  
4 together with adequate space?

5                   MR. McMACKIN: Objection. Argumentative.

6           A.     From the document, yes.

7           Q.     I asked you why wasn't this alternative used;  
8 correct?

9           A.     Yes, and I responded.

10          Q.     Your response was, as I understand it, because  
11 it wouldn't allow for all the members of Upward Bound  
12 Math and Science to be together; is that correct?

13          A.     Yes, similar to what we did with Educational  
14 Talent Search.

15          Q.     How about Upward Bound Classic? My question to  
16 you is: Is it true that the Upward Bound Classic student  
17 enrichment coordinators and secretaries are together in  
18 that area?

19          A.     That's correct.

20          Q.     And their program manager is not with them?

21          A.     That's correct.

22          Q.     Were they moved as a result of this proposed  
23 move?

24          A.     They could not be moved into 408 because there



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1 were too many of them.

2 Q. I asked you before how many there were.

3 A. I'm looking right here.

4 Q. So it's four of them?

5 A. And the program manager.

6 Q. Did Upward Bound Math and Science have student  
7 co-ops or work study individuals?

8 A. I don't know. I never approved any.

9 Q. So you don't know whether they were there?

10 A. No.

11 Q. Would you be the person to have to approve them  
12 if they were there?

13 A. No. I'm not -- I honestly don't know how that  
14 works.

15 When you're saying "co-op," are you  
16 referring to work studies?

17 Q. Yes.

18 A. Okay. No.

19 Q. No, you don't know or --

20 A. No, I don't know if they had them, and I don't  
21 know the process. I just know that I was never involved  
22 in a process of anyone having work studies.

23 Q. So that would also include Upward Bound Classic?  
24 You're not aware of them having work studies?



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1 A. No, nor Educational Talent Search.

2 Q. Take a look for me at alternative 1. Have you  
3 had an opportunity to review that?

4 A. No. Let me just --

5 Q. Okay.

6 A. (The witness reviews the document.) Okay.

7 Q. Why wasn't this alternative used?

8 A. Which was to switch only Tonia and Liz? Again,  
9 it's the same answer I gave you before. It still didn't  
10 help us reach our goal of clustering the entire program  
11 grouping together as we did with Educational Talent  
12 Search.

13 Q. Is it fair to say that the program manager, the  
14 secretary, and both student enrichment coordinators would  
15 all be in the same area?

16 MR. McMACKIN: Objection. Vague.

17 A. These along the wall here?

18 Q. Yes.

19 A. Would they be in the same area?

20 Q. Yes.

21 A. They would be in the same area according to the  
22 chart, yes.

23 Q. Wouldn't this be more cost-effective than the  
24 move that actually took place?



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1 A. Can you --

2 MR. McMACKIN: Objection. Argumentative.

3 A. And I don't know what you mean by "cost  
4 effective."

5 Q. Is it fair to say that moving six or seven  
6 people is more cost effective than moving two?

7 A. I don't have a budget for moving.

8 MR. McMACKIN: Objection to form.

9 Q. What was your answer?

10 A. I don't have a cost sheet for the expense of  
11 moving individuals, so I don't have an answer.

12 Q. You don't have an answer because you don't know  
13 whether moving two people would be least cost-effective  
14 than moving seven?

15 A. No.

16 Q. Did Ken Cole or Brigitte Brown give you  
17 measurement of their office spaces compared with  
18 measurements of the proposed?

19 A. Yes, and I believe they are in the documents  
20 that you supplied.

21 Q. Did Dr. Zawislak tell Ken Cole or Brigitte Brown  
22 that the reason for the move was due to downsizing?

23 A. I can't speak for Dr. Zawislak. I don't know  
24 what she told them.



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1 Q. So you don't recall? You don't remember her  
2 saying anything --

3 A. I don't know what she told them. I'm not with  
4 Dr. Zawislak.

5 Q. Here's my thing: I'm talking about the meeting  
6 that you had with Ken Cole individually, and also the  
7 meeting that you had with Brigitte Brown. You were there  
8 with Dr. Zawislak, were you not?

9 A. Oh, yes.

10 Q. My question is: Do you recall Dr. Zawislak  
11 telling Ken Cole or Brigitte Brown that the reason for  
12 the move was due to downsizing?

13 A. Okay. I don't remember specifically if she said  
14 that at a meeting individually or if it was in a  
15 collective meeting.

16 Q. Okay.

17 A. But, yes, because To The Max or the S.O.A.R. or  
18 whatever it was called at the time had lost a position.

19 Q. Did she say that the move was because of an  
20 allocation of space?

21 A. Again, I don't know what you mean by terms of  
22 "allocation of space."

23 MR. McMACKIN: Objection to form.

24 A. Other than clustering a grouping of one entire



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1 program together as we did with Educational Talent  
2 Search.

3 Q. At the end of either of those meetings, do you  
4 recall yourself or Dr. Zawislak telling Brigitte Brown or  
5 Ken Cole that the move would still be going forward  
6 because there was nothing said to convince them, convince  
7 you that the move should not go forward?

8 MR. McMACKIN: Objection. Compound.

9 A. I don't recall that.

10 Q. Are you aware that Dr. Zawislak sent out a  
11 newsletter in August 2002 that indicated that Paul Morris  
12 received a promotion to special programs director?

13 A. The CCP newsletter? Yes.

14 Q. How often is the CCP newsletter sent out?

15 A. Now or at that time?

16 Q. At that time.

17 A. I believe she was attempting to keep it up on a  
18 monthly basis.

19 Q. On a monthly basis.

20 Now, this promotion to special programs  
21 director that Dr. Zawislak sent out in the newsletter,  
22 were you aware that this position was not posted?

23 A. There was no promotion.

24 Q. But are you aware that this position was not



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1 posted?

2 MR. McMACKIN: Objection to foundation.

3 A. There was no position at that time to be posted.

4 Q. Okay.

5 A. Because there was no promotion.

6 Q. But yet she sent out a letter indicating that  
7 there was a promotion; correct?

8 A. It was an error on words, or word.

9 Q. Whose decision was it not to post this position?

10 MR. McMACKIN: Same objection.

11 A. There was no position.

12 Q. The fact that Paul Morris received a change in  
13 position to special programs director without it being  
14 posted, was that a violation of DelTech's policy?

15 MR. McMACKIN: Objection. Foundation.

16 A. Again, there was no position of special projects  
17 director. Paul Morris was reclassified.

18 Q. Tell me about reclassification.

19 A. It's an HR process.

20 Q. Tell me more.

21 A. That -- it's an annual -- annual -- I can't  
22 think of another word other than "event." It's an annual  
23 process where -- once a year where there is a change of  
24 duties and employees can submit paperwork.



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1 Q. Were you involved in his reclassification?

2 A. Involved in it? No. It's reviewed by HR.

3 Q. So Dr. Zawislak signed off on his  
4 reclassification. Did you have any part in signing off  
5 on that?

6 A. I may have. I would hope I have because I could  
7 explain the change of duties.

8 Q. So Paul Morris reported to you at that time?

9 A. Yes.

10 Q. So do you know whether you signed off or you  
11 don't recall?

12 A. I don't recall.

13 Q. Do you recall ever seeing any forms related to  
14 reclassification of Paul Morris?

15 A. Can I ask for a clarification?

16 Q. Yes.

17 A. Are you talking about while he was filling out  
18 the forms or --

19 Q. Yes. Did you ever --

20 A. -- or information we received back from the  
21 president's office?

22 Q. What I'm talking about is anything. I'm talking  
23 in the broader sense.

24 Do you recall receiving or filling out or



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1 completing or authorizing any forms dealing with Paul  
2 Morris and his reclassification?

3 MR. McMACKIN: Objection. Compound.

4 A. I don't know. I do remember supporting him.  
5 What I signed or didn't sign, I don't recall. I don't  
6 know whether it was at my level the signature process  
7 would take place or at the director.

8 Q. This classification was later rescinded by  
9 Mr. Lawrence Miller in October 2002?

10 A. Yes.

11 MR. McMACKIN: Objection to form.

12 Q. Why is that?

13 THE WITNESS: Respond to that?

14 MR. McMACKIN: Yes. Unless I instruct you  
15 not to answer, you should, yes, to the extent that you  
16 can.

17 THE WITNESS: Okay.

18 A. Because we were told that individuals cannot be  
19 reclassified if they were receiving compensation for the  
20 extra work they took on or if they weren't able to  
21 accomplish either their current or -- yes, their current  
22 or their additional work duties within the 37 and a half  
23 hour workweek.

24



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1 BY MS. BREWINGTON:

2 Q. Was Paul Morris able to accomplish his  
3 additional job duties within the 37 and a half hour  
4 workweek?

5 A. No. He was working beyond that.

6 Q. Did you approve his extra hours?

7 A. Dr. Zawislak would only have that authority.

8 Q. With respect to job postings, who makes the  
9 decision whether a position will be posted?

10 A. Who makes the decision? Well, first of all, a  
11 vacancy has to occur. And beyond that, that would be an  
12 HR question.

13 Q. So for all vacancies, are positions  
14 automatically posted?

15 A. For all vacancies, are -- I don't know. At my  
16 level it was not something that I dealt with. It would  
17 be an HR question.

18 Q. As I understand it, some positions, when there  
19 is a vacancy, there may be a posting or there may be  
20 someone that moves into that position as an acting --

21 A. Okay. Yes.

22 Q. Is that correct?

23 A. Yes. I believe it has to be a full-time  
24 position.



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1 Q. Okay. Who makes the decision whether the  
2 position will be posted or whether someone will become  
3 acting?

4 A. Okay. To the best of my knowledge, that final  
5 decision has to come from the campus director.

6 Q. Does someone make a recommendation to the campus  
7 director?

8 A. Yes.

9 Q. Who?

10 A. It would have to be whoever's at the highest  
11 level of decision-making before you get to the campus  
12 director.

13 Q. So, for example, the campus director is Lawrence  
14 Miller; correct?

15 A. That's correct.

16 Q. Then am I correct that Sue Zawislak is the  
17 highest person in community programs and then she would  
18 make a recommendation to Mr. Miller as to whether the  
19 position should be posted or someone should move into  
20 acting?

21 A. That I can't -- I don't know exactly how that  
22 works.

23 Q. Did you ever make any recommendations in terms  
24 of whether a position should be posted or whether someone



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1 should move into an acting --

2 A. No.

3 Q. Are you aware of Dr. Zawislak making any  
4 recommendations to Mr. Miller concerning whether a  
5 position should be posted or whether someone should move  
6 into the acting position?

7 A. Specific? No. I may find out after the fact.

8 Q. Okay.

9 A. I'm not part of that decision-making, or I  
10 wasn't.

11 Q. With respect to all the trio programs -- and  
12 when I say "all the trio programs," I'm talking about  
13 Talent Search, Upward Bound Classic, and Upward Bound  
14 Math and Science.

15 A. Okay.

16 Q. Do these programs use blanket travel requests?  
17 Did they use blanket travel requests?

18 A. Could you define what you mean by "blanket  
19 travel request"?

20 Q. What is your understanding of a blanket travel  
21 request?

22 A. My personal definition would be if there was a  
23 consistent weekly schedule with defined times and defined  
24 destinations.



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1 Q. So your definition of "blanket travel request"  
2 is consistent weekly schedules with defined times and  
3 defined regulations; is that correct?

4 A. Destinations.

5 Q. Destinations. I'm sorry.

6 So did Upward Bound Classic have blanket  
7 travel requests?

8 A. When -- again, when you say "blanket," it would  
9 be with defined -- if -- for the purposes of their  
10 program, defined schools and defined times.

11 Q. So is your answer yes or no?

12 A. I'm sorry. What was the question again?

13 Q. Did Upward Bound Classic have blanket travel  
14 requests?

15 A. I believe they did. I can't say with  
16 100 percent certainty if you would say that was a blanket  
17 travel request.

18 Q. But they did?

19 A. They had defined times and destinations, yes,  
20 and locations.

21 Q. Are you saying that because they had defined the  
22 times and defined schools, they, in turn, had blanket  
23 travel requests, or are you saying that's the same thing?

24 A. Okay. As far as the term "blanket travel



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1 requests," I'm not -- I'm not accustomed to using that  
2 word, so "blanket" -- "blanket" to me doesn't mean  
3 anything. A travel request I see come in two forms, and  
4 that is whether you're going -- typically a travel  
5 request is submitted. If I'm going to a meeting, I  
6 submit a travel request. I say where I'm going and what  
7 date I'm going, and typically it involved a state  
8 vehicle, so you know when you're taking it out and when  
9 you're returning it.

10           Going as a student enrichment coordinator  
11 to the schools, it's typically defined where I'm going,  
12 when I'm going to it. And again, the state vehicles are  
13 being used. You know what time the state vehicle is  
14 going to be checked out and what time it's going to be  
15 returned.

16           Q. Now, the Upward Bound Classic program that we  
17 just spoke of, is that how they ran their program as far  
18 as they would fill out travel requests and indicate where  
19 they're going and what date they would be going and that  
20 a state vehicle is being used?

21           MR. McMACKIN: Objection. Compound.

22           A. Anyone that travels off the campus is required  
23 to fill out a travel request form. So the answer, then,  
24 would be yes, it would include Upward Bound Classic.



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1 Q. Okay. You are right.

2 How about Talent Search, is that the same  
3 way?

4 A. Yes, very similar.

5 Q. How about Upward Bound Math and Science, how are  
6 their travel requests?

7 A. How are they?

8 Q. I'm sorry. Yes. How were they?

9 A. Well, theirs is a little bit different from the  
10 other two programs because the other two programs had  
11 weekly standardized schedules, whereas Upward Bound Math  
12 and Science did not.

13 Q. So how were their travel requests different as a  
14 result?

15 A. They would submit them without specifics, again,  
16 whereas the other two programs had consistent regular  
17 schedules.

18 Q. So did --

19 A. At the schools.

20 Q. Did the other programs complete their travel  
21 requests with specifics?

22 A. I don't recall, but I know that there were  
23 schedules, calendars, whatever, to support that, yes.

24 Q. There were calendars to support their travel



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1 requests; is that correct?

2 A. Yes. Each coordinator has a calendar to say  
3 which schools they're in, which days.

4 Q. But --

5 A. And what time.

6 Q. Is it your testimony that you are not sure  
7 whether they complete the travel request with the details  
8 and specifics?

9 A. Without seeing one in front of me, I don't  
10 recall.

11 Q. So you know for sure or do you know for sure  
12 that Upward Bound Math and Science completed travel  
13 requests without specifics?

14 A. Again, without seeing one in front of me, I  
15 can't -- what I was saying there is they didn't have the  
16 consistent standardized school visit calendars as the  
17 other programs did.

18 Q. And --

19 A. And without seeing any travel requests for any  
20 of the programs, I couldn't remember how they read.

21 Q. Was there a problem with Upward Bound Math and  
22 Science travel requests?

23 A. There is a problem with the management of the  
24 Upward Bound Math and Science program.



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1 Q. "Management" meaning REDACTED ?

2 A. Correct.

3 MR. McMACKIN: Confidential, please.

4 THE WITNESS: Yes.

5 [CONFIDENTIAL ON.]

6 BY MS. BREWINGTON:

7 Q. So my question to you was: Was there an issue  
8 or problem with --

9 A. The travel requests?

10 Q. Yes.

11 A. Yes.

12 Q. And the answer is --

13 A. Yes.

14 Q. Tell me about that.

15 A. When I met with REDACTED on one of many  
16 occasions, it became apparent that she wasn't as informed  
17 as she should be from a management standpoint as to when  
18 the school visits would take place. And by that I mean  
19 when and where and who would be seen and what would be  
20 the nature of the call.

21 Q. What would be the nature of the call?

22 A. Call or visit to the school.

23 Q. Oh, okay.

24 A. I don't know if that answers your question, but



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1 the issue surrounding REDACTED relate to the travel  
2 request forms insofar as she couldn't provide adequate  
3 information about -- related to the travel request.

4 If that helps any, I don't know.

5 Q. Well, let me ask you some questions.

6 Are you saying that REDACTED did not  
7 know where her student enrichment coordinators were?

8 A. I believe she would just provide requests that  
9 said "fall visits."

10 Q. Had they always provided requests that said  
11 "fall visits"?

12 A. I don't know prior to when I got there. I'm not  
13 sure. I'm not exactly sure if they did when I first got  
14 there.

15 Q. When did this become a concern of yours, the  
16 travel requests of the Upward Bound Math and Science?

17 A. It wasn't with just the Upward Bound Math and  
18 Science. There was a directive that the campus director  
19 had handed down that was related to the use of fleet  
20 vehicles. And he expected all of his direct reports and  
21 their direct reports to be more conscientious of the use  
22 of fleet vehicles.

23 Q. That was sent down by Mr. Miller?

24 A. Yes.



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1 Q. Do you remember when, approximately?

2 A. No, I do not.

3 Q. So you mentioned there were some concerns with  
4 REDACTED and her inability to, as I understand it,  
5 know where her staff is; is that correct?

6 A. Well, to be able to answer any questions about  
7 the yearly work plan.

8 Q. What did you do as a result with respect to the  
9 travel request?

10 A. Oh, what did we -- expected to have more  
11 details.

12 Q. When you say "more details," what do you mean?

13 A. To know which schools were going to be visited,  
14 when and when, and what time.

15 Q. How often did you want them to complete these  
16 travel requests?

17 A. Exact what I said, I don't recall, but I needed  
18 to know whenever there was going to be travel, that a  
19 travel request was on file.

20 Q. So every time they were going to travel; is that  
21 correct?

22 A. If there wasn't any other -- if there wasn't any  
23 other thing on record, yes, because the way it was  
24 submitted wasn't acceptable in light of the fact that we



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1 were being asked to be more conscientious of when we were  
2 using vehicles.

3 Q. You mentioned the way it was submitted it wasn't  
4 acceptable.

5 Do you know how long it was submitted in  
6 that unacceptable way?

7 A. No, I do not.

8 Q. Is it fair to say that it had been submitted  
9 that way since you were in that role as assistant  
10 director?

11 A. I don't know.

12 Q. When did you become aware of how it was  
13 submitted in terms of the fact that it wasn't acceptable?

14 A. Specific dates, I don't know. I know that  
15 everything sort of started to float to the surface. The  
16 more interaction I had with REDACTED as the  
17 manager, we started with fiscal issues in the year 2000  
18 and progressively went into the programmatic components.  
19 And working with her through the programmatic components,  
20 those are the kind of issues that floated to the surface.

21 Q. When you met with REDACTED concerning  
22 travel requests and you instructed her to give more  
23 detail -- Is that correct? -- what was her response to  
24 you?



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1 A. She would work with me to make sure that that  
2 happened.

3 Q. Switching lanes, were you aware that Ken Cole's  
4 doctor ordered reduced work hours around November of  
5 2002?

6 A. I don't recall when, but I do recall that there  
7 was some reduced work hours.

8 Q. Were you aware that he provided a doctor's note  
9 that indicated he was not contagious and he should  
10 titrate his return to full activity?

11 A. I believe all of that was handled through the  
12 human resources department.

13 Q. Do you have any idea in terms of why this note  
14 was not acceptable to DelTech?

15 MR. McMACKIN: Objection. Foundation.

16 A. Again, that's an HR question, not a question for  
17 me.

18 Q. Were you aware that Ken Cole was threatened with  
19 termination if he did not provide additional  
20 documentation?

21 A. I have no knowledge of that.

22 Q. Isn't it true that you provided him the letter  
23 from HR indicating that exact same thing?

24 A. I don't recall that.



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1 MR. McMACKIN: Objection. Foundation.

2 Q. Did you present to Ken Cole any letters?

3 A. I don't recall.

4 Q. Who is responsible for approving a change in an  
5 employee's work hours?

6 A. Campus director.

7 Q. At that time it was Mr. Miller; right?

8 A. Correct.

9 Q. Does Dr. Zawislak have the authority to approve  
10 work hours?

11 A. No.

12 Q. Do you have the authority to approve work hours?

13 A. No. As I said, the campus director.

14 Q. Okay. I just wanted clarification.

15 Are you aware that Brigitte Brown requested  
16 to change her hours to nine to five at some point?

17 A. Not until I was looking over the documents.

18 Q. Were you not there at that time?

19 A. No.

20 Q. Were you not involved in that?

21 A. No. I believe that was something that was  
22 decided between her and her manager. At that time it was

23 REDACTED

24 Q. You did not play a role in that in any way?



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1 A. No, absolutely not.

2 Q. At some point you became director of corporate  
3 and community programs at the Owens Campus; is that  
4 correct?

5 A. That's correct.

6 Q. When was that?

7 A. It was in August of 2003.

8 Q. Who was promoted to your former position,  
9 assistant director of CCP?

10 A. I don't exactly know how filling my vacancy, I  
11 don't know how it was handled.

12 Q. So you don't know who took your position and who  
13 took the person's position --

14 A. I know that Jacquita Wright-Henderson is  
15 currently the assistant director of corporate and  
16 community programs.

17 Q. Which is your former position; right?

18 A. For the Stanton Wilmington campus, correct.

19 Q. Okay.

20 A. But what the processes were, I don't know.

21 Q. Do you know that Paul Morris was also promoted  
22 at that time?

23 A. I don't know when he was promoted. I do  
24 understand he is now a department chair, I believe.



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1 Q. Yes.

2 A. Yes.

3 Q. Were you aware that Upward Bound Math and  
4 Science was not placed under Paul Morris' supervision  
5 when he became department chair of community --

6 MR. McMACKIN: Objection. Foundation.

7 A. Is this after I left the campus? No. I was no  
8 longer associated with the campus.

9 MR. McMACKIN: Can we go off for a second?

10 (A recess was taken at this time.)

11 MS. BREWINGTON: I don't have anything  
12 further.

13 MR. McMACKIN: I have no redirect.

14 I just wanted to reserve our right to read  
15 and sign. That's it.

16 MS. BREWINGTON: Okay. Thank you.

17 (The deposition was then concluded at  
18 12:05 p.m.)

19 - - - - -  
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21  
22  
23  
24



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INDEX TO TESTIMONY

DR. ANN DEL NEGRO

PAGE

Examination by Ms. Brewington

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INDEX TO EXHIBITS

DEL NEGRO EXHIBIT NO.:

PAGE

1 A four-page color copy of a document entitled  
"Present set Up on 4th Floor"

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8 REPLACE THIS PAGE  
9  
10 WITH THE ERRATA SHEET  
11  
12 AFTER IT HAS BEEN  
13  
14 COMPLETED AND SIGNED  
15  
16 BY THE DEPONENT.  
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ATTACH TO THE DEPOSITION OF: Dr. Ann Del NegroDATE TAKEN: January 20, 3006IN THE MATTER OF: Cole and Brown v. Delaware Technical & Community College**ERRATA SHEET**

**INSTRUCTIONS:** After reading the transcript of your deposition, please note any change or correction and the reason therefore on this sheet. **Do not make any marks or notations on the transcript itself.** Rule 30(e) governing this procedure is enclosed. Please sign and date this errata sheet and return it to our office at the address below. Thank you.\

Page	Line	Edits-Deletions represented by strikethroughs. Insertion represented by CAPS. Other remarks in <i>italics</i> .
5	9	One master's degree in HR MANAGEMENT FROM
	10	College <del>IN HR MANAGEMENT</del> . And a doctorATE of IN
	21	<del>it was called at that time.</del> That was my title at that time.
6	8	You'LL
7	8	Manager, both he – Urahn Roberts WHO
	10	Secretary, THEY ALL REPOTED TO ME.
	20	to ME, I believe, BY you.
8	12	I don't recall THOSE WORDS.
10	12	PDFs, SIGNED BY KEN COLE,
11	3	Opportunity to apply for a positions
13	7 & 8	<i>I am not sure what this sentence means. What was meant is our goal was to group personnel from the same program into the same area.</i>
	19	Everything that we <del>do</del> DID
	20	recall THAT.
	23	I don't believe so, because OF
16	1	<del>There were problems?</del> Were there problems?
17	18	areas to try to promote A
18	1	<del>accountability.</del> ACCOUNTABLE.
	2	Accountability. SHE expected--SHE had high expectations. SHE
	8	Operated a lot more flexible <del>that</del>
	10	Followed that were not always acceptable as far AS,
	13	Resurfacing <del>are</del> WERE
	14	Calls from the schools
	18	we TONIA had planned to do and what <del>we</del> SHE
	21	Prepared the calendars that I would be at that school BUT THINGS CHANGED.
	22	And <del>that</del> to give you an ANOTHER example
19	1	that you were going to work off OF for the week, BUT THAT WAS not SO WITH TONIA an-at
	2	<del>the time I prepared it</del> TONIA'S EXPECTATION WAS MORE LIKE I she <u>thought</u> she was going to there (SCHOOL VISIT),
	3	not necessarily that I SHE was <u>really</u> going to go there (SCHOOL VISIT).





21	20	Would I disagree with that? I don't recall A RECOMMENDATION.
23	2	people THAT WERE NOT ALREADY CLUSTERED TOGETHER.
24	13	And the secretaries. SECRETARY.
25	10	of each of the programs together to promote the A teamwork
27	19	know she had SUPPORTED multiple responsibilities AREAS.
35	17	totally. They were not like FULLY enclosed offices like this.
39	1	Layout individual offices — or individual space — PARTITIONS CREATED CUBICLES OR INDIVIDUAL SPACE
	2	separated by cubicles. I don't recall how many, but...
	11-13	<i>There was/is not "individual setups" along with "cubicles" for the student enrichment coordinators. It is partitions that create "cubicles" and "cubicles" that create "individual space".</i>
	14	My answer is correct when aligned with my interpretation of partitions and cubicles.
	18	They were set up without cubicles PARTITIONS.
41	3	<i>Talent Search and Upward Bound Classic did not have "cubicles" and "partitions." Partitions are what created the cubicles.</i>
	4	My answer is correct when aligned with my interpretation of partitions and cubicles.
55	9	recollection RECOMMENDATION
	17	and the Ann-Susan
59	3	I'm looking right here AT YOUR CHART.
64	23	Process where — once a year where WHEN there is a change of
	24	duties, and THE employees can submit paperwork FOR A POSITION REVIEW.
65	6	I may have. I would hope I have HAD because I could HAVE
	7	explain EXPLAINED the change of duties.
66	7	would take place or at the director DIRECTOR'S LEVEL
71	3-5	<i>The sentence that begins with--A travel request I see come in two forms...makes no sense. I am not really sure what I said here.</i>
	7	Date I'm going, and typically is involved INVOLVES
76	25	when WHERE and when, and what time.
	17	Exact-EXACTLY
77	2	and since Rose couldn't adequately respond to questions about her staff members schedules.
	19	<i>My "No" response was related to not being there when Brigitte allegedly asked to change her work hours.</i>
80	10	I don't exactly know how filling my vacancy OCCURRED, I

I have read the foregoing transcript of my deposition, and expect for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me.

DATED: 3/17/06

Ann L. Del Negro  
(Signature of Deponent)

RETURN TO: WILCOX AND FETZER, LTD.  
1330 King Street  
Wilmington DE 19801



1 State of Delaware )

2 )

3 New Castle County )

4

5 CERTIFICATE OF REPORTER

6

7 I, Kathleen White Palmer, Registered Merit  
8 Reporter and Notary Public, do hereby certify that there  
9 came before me on the 30th day of January, 2006, the  
10 deponent herein, DR. ANN DEL NEGRO, who was duly sworn by  
11 me and thereafter examined by counsel for the respective  
parties; that the questions asked of said deponent and  
the answers given were taken down by me in Stenotype  
notes and thereafter transcribed into typewriting under  
my direction.

12 I further certify that the foregoing is a  
13 true and correct transcript of the testimony given at  
said examination of said witness.

14 I further certify that I am not counsel,  
15 attorney, or relative of either party, or otherwise  
interested in the event of this suit.

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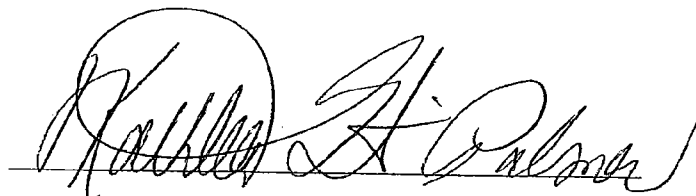
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Kathleen White Palmer, RPR, RMR  
Certification No. 149-RPR  
(Expires January 31, 2008)

DATED: February 3, 2006



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